RECEIVED
CENTRAL FAX CENTER
AUG 1 1 2006

REMARKS

The Examiner rejected claims 11-14 and 28-31 under 35 U.S.C. § 112, second paragraph; rejected claims 15-17 under both 35 U.S.C. § 101 and 35 U.S.C. § 112, first paragraph; rejected claims 1-2, 4-6, 18-19, and 21-23 under 35 U.S.C. § 102(b) as being anticipated by Penney (U.S. Patent No. 4,707,727) (hereinafter "Penney"); rejected claims 7 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Penney; objected to claims 3, 8-10, 20, and 25-27 as being dependent upon a rejected base claim. Applicant hereby cancels claims 15-17; amends claims 6 and 23. Claims 1-14 and 18-31 remain in the case.

Rejection of Claims 11-14 and 28-31 Under 35 U.S.C. § 112, Second Paragraph

The Examiner rejected claims 11-14 and 28-31 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner writes that the claim term "persistence" is relative and renders the claim indefinite. The Examiner cites a Webster's 10th edition dictionary definition of the term "persistence" and requests that Applicant explain how the system provides "persistence" as recited in the claims.

In response, Applicant submits that one of ordinary skill in the art of video test and measurement equipment understands the term "persistence" to mean that an image is displayed over more than one screen refresh or video picture. The Specification reflects this meaning at page 3, ¶ 1: "[E]ither fixed or variable persistence may be used to identify gamut errors *over several video pictures* in the input video signal." (emphasis added) The effect of persistence is to visually highlight a feature, e.g. to "facilitate[] the detectability of short duration gamut excursions." (page 6, ¶ 1) The fixed, variable, and "timestamp/snapshot" persistence are described in detail at page 6, ¶ 1.

In light of the foregoing remarks and the supporting disclosure, Applicant submits that claims 11-14 and 28-31 do particularly point out and distinctly claim the subject matter which Applicant regards as the invention, and thus that the grounds of rejection have been overcome. Accordingly, Applicant requests that the rejection of claims 11-14 and 28-31 under 35 U.S.C. § 112, second paragraph be withdrawn.

Rejection of Claims 1-2, 4-6, 18-19, and 21-23 Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-2, 4-6, 18-19, and 21-23 under 35 U.S.C. § 102(b) as being anticipated by Penney. Applicant respectfully traverses.

With regard to claims 1 and 18, Applicant submits that Penney does not teach "means for generating..." as required by claims 1 and 18, particularly the requirement that "each pixel be[] in *monochrome* except when the gamut error signal indicates a gamut error." The Examiner cites Penney's Figure 4 as anticipating Applicant's "means for generating...", however Penney's disclosure regarding Figure 4 merely states that the display modifier "provide[s] a visually distinct effect. For example, the display modifier may cause the display to *blink* [or] ... cause the display to be *increased in brightness*." (column 3, lines 53-60, emphasis added) Penney does not teach displaying pixels in monochrome, nor does Penny teach displaying gamut-erred pixels in a false color. Accordingly, Penney does not teach "each pixel being in *monochrome* except when the gamut error signal indicates a gamut error" as required by claims 1 and 18.

Thus, Penney does not teach, show, or suggest Applicant's invention as described in claim 1:

> An apparatus for generating a gamut false color display having a plurality of pixels comprising:
>
> means for deriving a gamut error signal from an input video signal; and
>
> means for generating the gamut false color display from the gamut error signal and a luminance component of the input video signal, *each pixel being in monochrome except when the gamut error signal indicates a gamut error*, in which case a false color is provided in lieu of the monochrome for each pixel associated with the gamut error.

Nor does Penney teach, show, or suggest Applicant's invention as described in claim 18:

> A method of generating a gamut false color display having a plurality of pixels comprising the steps of:
>
> deriving a gamut error signal from an input video signal; and
>
> generating the gamut false color display from the gamut error signal and a luminance component of the input video signal, *each pixel being in monochrome except when the gamut error signal indicates a gamut error*, in which case a false color is provided in lieu of the monochrome for each pixel associated with the gamut error.

Therefore, claims 1 and 18 are not anticipated by Penney. Accordingly, Applicant requests that the rejection of claims 1 and 18 under 35 U.S.C. § 102(b) be withdrawn.

Claims 2, 4, 5, and 19, 21, 22 depend ultimately from claims 1 and 18 respectively, both of which are allowable, as discussed above. Thus, claims 2, 4, 5, and 19, 21, 22 are likewise allowable. Accordingly, Applicant requests that the rejection of claims 2, 4, 5, and 19, 21, 22 under 35 U.S.C. § 102(b) be withdrawn.

With regard to claims 6 and 23, Applicant hereby amends claims 6 and 23 in order to more clearly define the scope of the claimed subject matter. That is, claims 6 and 23 now recite that the "capturing" takes place "in response to the gamut error." No new matter has been added through this amendment, as this subject matter is contained in the Specification at page 6, ¶ 1. (i.e. "...takes a snapshot of the gamut display when a large number of gamut excursions has been detected...")

Claims 6 and 23 as so amended depend from claims 1 and 18 respectively, both of which are allowable. Thus, claims 6 and 23 are likewise allowable. Claims 6 and 23 are additionally allowable in their own right because Penney does not teach "capturing a portion of the input video signal *in response to the gamut error*" as required by claims 6 and 23. Accordingly, Applicant requests that the rejection of claims 6 and 23 under 35 U.S.C. § 102(b) be withdrawn.

Rejection of Claims 7 and 24 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 7 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Penney in view of the asserted fact (introduced by "official notice") that time stamping is used in the gamut correction field to log/account at what time a video signal encountered an error and thus allow a system to account and correct for the error. Applicant respectfully traverses.

With regard to the Examiner's "official notice" Applicant requests that the Examiner produce evidence to support the specific factual assertion. 37 C.F.R. § 1.104(d)(2)

Furthermore, Applicant submits that claims 7 and 24 are allowable, irrespective of the Examiner's factual assertion, because claims 7 and 24 depend from claims 6 and 23, both of which are allowable, as discussed above. Accordingly, Applicant requests that the rejection of claims 7 and 24 under 35 U.S.C. § 103(a) be withdrawn.

RECEIVED
CENTRAL FAX CENTER
AUG 11 2006

Objection to Claims 3, 8-10, 20, and 25-27

The Examiner objected to claims 3, 8-10, 20, and 25-27 as being dependent upon a rejected base claim, but indicated that they would be allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claims.

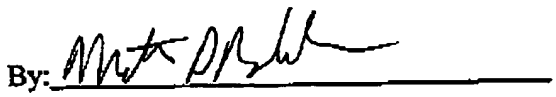
Claims 3, 8-10, 20, and 25-27 depend ultimately from claims 1 and 18 respectively, which are allowable, as discussed above. Therefore, claims 3, 8-10, 20, and 25-27 are likewise allowable. Applicant therefore requests that the objection to claims 3, 8-10, 20, and 25-27 be withdrawn.

Conclusion

In view of the foregoing remarks, allowance of claims 1-14 and 18-31 is urged, and such action and the issuance of this case are requested.

Respectfully submitted,

Kevin T. Ivers

By: 

Matthew D. Rabdau
Reg. No. 43,026
(503) 627-5068 (Voice)
(503) 627-7119 (Fax)

August 11, 2006
Tektronix, Inc.
P.O. Box 500
Delivery Station 50-LAW
Beaverton, OR 97077